

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
Supporting Statement
OMB # 1140-0020

ATF Form 4473 (5300.9) Part I, Firearms Transaction Record Over-the-Counter

A. Justification

1. The subject form is required under the authority of 18 U.S.C. § 922 and 923 and 27 CFR 478.124. These sections of the Gun Control Act (GCA) prohibit certain persons from shipping, transporting, receiving or possessing firearms. All persons, including Federal firearms licensees (FFLs), are prohibited from transferring firearms to such persons. FFLs, as well as non-licensed sellers, are also subject to other restrictions regarding the disposition of a firearm to an unlicensed person under the GCA. For example, age and state of residence also determine whether a person may lawfully receive a firearm. The information and certification on the Form 4473 are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. The ATF Form 4473 should only be used for sales or transfers of firearms where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction.

There are no changes to the existing form.

2. A person purchasing a firearm from a Federal firearms licensee must complete Section A of the Form 4473. The buyer's answers to the questions determine whether or not he or she is eligible to receive the firearm. If those answers indicate that the buyer is not prohibited from receiving a firearm, the licensee completes Section B of the Form 4473 and contacts the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) or the State point of contact (POC) to determine if the firearm can be legally transferred to the purchaser. After the seller has completed the firearms transaction, he or she must retain the completed original Form 4473 (*which includes the Notices, General Instructions, and Definitions*) and any supporting documents, as part of his or her official records for twenty years, as required by 27 CFR 478.129 (b).

3. The Form 4473 will be mailed to all licensees. In addition, the Form will be available electronically, via the ATF internet site to download and print. For those licensees not able to access the form electronically, additional forms will be made available at ATF's Distribution Center. The Distribution Center will continually stock the Form 4473 for distribution. Licensees who wish to utilize a commercial version of electronic 4473 software must do so in compliance with the variance provisions of 27 CFR 478.22(a) and ATF Ruling 2008-3.

4. ATF uses a uniform subject classification system for its forms to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.
5. The Form 4473 will not have a significant economic impact on small businesses.
6. The consequences of not conducting this collection of information, or conducting it less frequently, are that the licensee might transfer a firearm to a person who is prohibited from possessing firearms under Federal law. The collection of this information is necessary to comply with the statutory requirements to verify the eligibility of an individual receiving or possessing firearms under the Gun Control Act. There is no discretionary authority on the part of ATF to waive these requirements. Respondents are required to supply this information as often as necessary to comply with statutory provisions. The form is critical with regard to the prevention of criminal diversion of firearms and enhances law enforcement's ability to trace firearms that are recovered in crimes.
7. There are no special circumstances that would cause or allow the information collection to be conducted in any other manner than is currently proposed.
8. In the past, ATF has consulted with licensees, Federal and State law enforcement agencies and FBI (NICS) to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed or reported. A 60 day and 30 day Federal Register notice has been published in order to solicit comments from the general public.
9. No payment or gift is offered to the respondent.
10. All records regarding this collection are kept on the licensee's premises in a secured location. Confidentiality is not assured.
11. Questions of a sensitive nature are asked to ensure that firearms are not sold to or received by persons who are prohibited by law from receiving and possessing firearms. The information and certification on the form are designed and intended to assist a person licensed under 18 U.S.C. § 923 in determining at the point of sale whether he or she may lawfully sell or deliver a firearm to the transferee.
12. The number of respondents associated with this information collection is 17,080,926 per year. Each respondent completes the form prior to acquiring a firearm. It is estimated that it takes 30 minutes to complete the form. The total annual burden hours associated with this information collection is 8,540,463.
13. There is no cost to respondents due to the fact that the purchaser completes the form on the premises in front of the licensee. Licensees may receive the Form 4473 at no charge from the ATF Distribution Center. In addition, the form will be available electronically, via the ATF Web site to download and print.

14. Cost of printing, distributing, and mailing the form is estimated at \$1,500,000. The cost estimate includes printing an estimated 6,000,000 forms, shrink-wrapping the forms, inserting them in envelopes, and mailing the packages to all Federal firearms licensees, as well as delivering a bulk supply of forms to the ATF Distribution Center for stock.
15. The increase in the population affected reflects an increase in the number of Federal firearm licensees and an increase in the number of firearms sold in the last calendar year.
16. The results of this information collection will not be published.
17. Because ATF does not typically provide the expiration date on its forms, ATF is requesting that the expiration date not be posted on the ATF Form 4473. ATF also believes that because the expiration date is not absolute and could be extended by OMB at ATF's request, it may cause confusion among the industry members and applicants if it is provided on the form and later extended. Additionally, because ATF mails the forms to respondents, displaying the expiration date would also require subsequent printing and mailing costs should the expiration date be extended.
18. There are no exceptions to the certification statement.